

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-CV-00665-FDW-DCK**

RYAN O. TRUESDALE,

Plaintiff,

vs.

CAROLYN W. COLVIN,¹

Acting Commissioner of Social Security,

Defendant.

ORDER

THIS MATTER is before the Court upon Plaintiff Ryan O. Truesdale’s Motion for Summary Judgment, (Doc. No. 12) and Defendant Commissioner of Social Security Carolyn W. Colvin’s Motion for Summary Judgment, (Doc. No. 13) and the Memorandum and Recommendation (“M&R”) of Magistrate Judge David C. Keesler. (Doc. No. 15). For the reasons set forth below, the Court **ACCEPTS** and **ADOPTS** the M&R, **DENIES** Plaintiff’s Motion for Summary Judgment, and **GRANTS** Defendant’s Motion for Summary Judgment. The Commissioner’s decision is **AFFIRMED**.

The Federal Magistrate Act provides that “a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Canby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). “By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the

¹ Carolyn W. Colvin became Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn W. Colvin is substituted for Michael J. Astrue as the Defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

record in order to accept the recommendation.”” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Here, no party filed any objection to the M&R, and the time for doing so has expired.

Accordingly, after a careful review of the record in this case, the Court finds that the Magistrate Judge’s findings of fact are supported by the record and his conclusions of law are consistent with and supported by current case law. Thus, the M&R is hereby ACCEPTED and ADOPTED, Plaintiff’s Motion for Summary Judgment is hereby DENIED, and Defendant’s Motion for Summary Judgment is hereby GRANTED. The Commissioner’s decision is AFFIRMED. The Clerk’s Office is directed to CLOSE THE CASE.

IT IS SO ORDERED.

Signed: August 28, 2013

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

